

**BOROUGH OF EMERSON
COUNTY OF BERGEN
STATE OF NEW JERSEY**

NOTICE OF INTRODUCTION

ORDINANCE NO. 1640-21

Introduced: November 23, 2021

NOTICE IS HEREBY GIVEN that the following proposed Ordinance was introduced and passed on first reading at the Regular meeting of the Borough Council of the Borough of Emerson on the 23rd day of November 2021, and that said proposed Ordinance will be further considered for final passage at the meeting of said Borough Council to be held on the 7th day of December, 2021 at 7:30 p.m., or as soon thereafter as said matter can be heard at the Municipal Building, Linwood Avenue, Emerson, New Jersey, at which time and place all persons who may be interested therein shall be given an opportunity to be heard concerning same.

AN ORDINANCE TO AMEND CHAPTER 35 FIRE DEPARTMENT

§ 35-7 Confirmation of officers

All other matters pertaining to the election of officers of the several companies shall be under the control of the Fire ~~Commissioner~~ Dept. Liaison, except that the Fire ~~Commissioner~~ Dept. Liaison shall certify to the Mayor and Borough Council, at the next regular meeting of said body held thereafter, the result of any election held as herein prescribed, and the election of said officers shall be subject to the confirmation of the Mayor and Council.

§ 35-11 Establishment of rules, regulations and bylaws

The several companies may establish, with the approval of the Fire ~~Commissioner~~ Dept. Liaison, such rules, regulations and bylaws governing themselves, but such rule, regulation or bylaw shall not be inconsistent with this article or the rules or regulations of the Mayor and Council or of the Fire ~~Commissioner~~ Dept. Liaison. No rule, regulation or bylaw shall be suspended, amended or promulgated without the consent of the Fire ~~Commissioner~~ Dept. Liaison.

§ 35-12 Posting of rules and regulations required.

All rules and regulations of the Fire ~~Commissioner~~ Dept. Liaison or of the Mayor and Council and of the respective companies of the Department and the Department as a whole shall not become effective until 10 days after the same shall have been posted at fire headquarters. Such rules and regulations shall remain posted for a period not less than six months.

§ 35-15 Charges against members; hearing.

[Amended 7-20-2010 by Ord. No. 1411]

A.

When charges have been brought against officers or members of the Department for infraction of the rules of the Department, of this article or the rules and regulations of the Fire ~~Commissioner~~ **Dept. Liaison** or of the Mayor and Council, where suspension or expulsion has been recommended, the Board of Fire Officers shall immediately refer said charges in writing to the Borough Administrator and the Fire ~~Commissioner~~ **Dept. Liaison**. The Borough Administrator shall, as speedily as possible, proceed to investigate the charges and, after such investigation, shall report his/her findings in writing to the Mayor and Council. The Borough Administrator may, in consultation with the Board of Fire Officers and subject to the approval of the Board of Fire Officers and the Mayor and Council, rescind the charges or impose discipline other than suspension or expulsion. Where the Board's recommendation of suspension or expulsion remains unchanged, the Mayor and Council shall thereupon cause a notice in writing to be served on the officer or member against whom the charges are preferred, to appear before the Mayor and Council at a time and place to be specified therein to answer such charges, and may request the appearance of any other officers or individuals whose testimony the Mayor and Council may deem useful in making their decision. After hearing said officer or member of the Department or his attorney in his behalf in his own defense (or in case he fails to appear), the Mayor and Council may, by resolution, reprimand, suspend, fine or dismiss said officer or member from the Department or exonerate him from the charges.

§ 35-13 Government of Department.

The conduct of the Department while on active duty shall be governed as follows: The Chief shall be in command at all times after the apparatus leaves fire headquarters and at other times be responsible to the fire ~~Commissioner~~ Dept. Liaison for the condition of the same. In the absence of the Chief and the Assistant Chief, the first officer arriving shall have charge until the arrival of his superior officer. It shall be the further duty of the senior officer or other designated head of each company to have charge of their respective companies and apparatus at fires, under the direction always of the Chief or other executive officers, and to see that their apparatus and quarters shall always be kept in good, clean and respectable condition.

§ 35-3 ~~Commissioner and Deputy Commissioner. Liaison and Deputy Liaison.~~

The Mayor shall appoint two members of the Borough Council, who shall be known as the "Fire ~~Commissioner~~ Dept. Liaison" and the "Deputy Fire ~~Dept. Liaison~~," respectively. The Fire ~~Commissioner~~ Dept. Liaison, and in his absence from the Borough for a period of more than three days, the Deputy Fire ~~Commissioner~~ Dept. Liaison, shall have the supervision, control and management of the Fire Department, subject, however, to the ultimate control of the Mayor and Borough Council.

§ 35-4 Chief and Assistant Chief

The Fire Department shall elect, subject to the confirmation of the Borough Council, two members of the Fire Department, who shall be known as "Chief" and "Assistant Chief," respectively. They shall hold office for a term of one year, and the Chief, and in his absence the Assistant Chief, shall have control of the Fire Department, subject to the control of the ~~Commissioner~~ Fire Dept. Liaison or Deputy ~~Commissioner~~ Fire Dept. Liaison and the Mayor and Borough Council.

In the Fire Department By-Laws all references to the Commission & Deputy shall be changed to read Fire Dept. Liaison upon approval of the above ordinances.

ATTEST:

Jane Dietsche, RMC, Borough Clerk

Danielle DiPaola, Mayor